

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA		DOCKET 1:21-CR-00009 (1)
		JUNE 17, 2021
VS.		2:31 P.M.
SHASHANK SHEKHAR RAI		BEAUMONT, TEXAS

VOLUME 1 OF 1, PAGES 1 THROUGH 24

REPORTER'S TRANSCRIPT OF SENTENCING HEARING

BEFORE THE HONORABLE MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:	JOSEPH BATTE US ATTORNEY'S OFFICE 350 MAGNOLIA AVENUE SUITE 150 BEAUMONT, TEXAS 77701
	LOUIS MANZO DEPARTMENT OF JUSTICE-WASHINGTON 1400 NEW YORK AVE NW WASHINGTON, DC 20005

FOR THE DEFENDANT:	JOSEPH HAWTHORN 2630 LIBERTY AVE BEAUMONT, TEXAS 77702
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1 COURT REPORTER: RUTH C. WEESE, RDR-CSR
2 FEDERAL OFFICIAL REPORTER
3 300 WILLOW, SUITE 104
4 BEAUMONT, TEXAS 77701

5 PROCEEDINGS REPORTED USING COMPUTERIZED STENOTYPE;
6 TRANSCRIPT PRODUCED VIA COMPUTER-AIDED TRANSCRIPTION.
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1 (OPEN COURT, DEFENDANT PRESENT.)

2 THE COURT: Finally we have 1:21-CR-00009 (1),
3 *United States of America versus Shashank Shekhar Rai*.

4 MR. BATTE: Your Honor, Joe Batte for the
5 Government along with Louis Manzo, trial attorney with
6 the Department of Justice Fraud Section. Mr. Manzo is
7 down here from Washington, DC and he will be handling the
8 sentencing on behalf of the Government.

9 MR. MANZO: Good afternoon, Your Honor.

10 MR. HAWTHORN: I'm Lum Hawthorn and I'm here
11 for the Defendant, Your Honor.

12 THE COURT: Okay. Very well.

13 Have counsel and the Defendant read and
14 discussed the presentence report, including any
15 revisions, as well as the special conditions of
16 supervised release listed in the separate supervision
17 conditions recommendation attached to the presentence
18 report?

19 MR. HAWTHORN: Yes, Your Honor.

20 THE COURT: Has counsel fully explained the
21 presentence report to the Defendant?

22 MR. HAWTHORN: I have.

23 THE COURT: And, Mr. Rai, do you fully
24 understand the presentence report, including the special
25 conditions of supervised release?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Does counsel or the Defendant wish
3 to make any comments, additions or corrections to the
4 report?

5 MR. HAWTHORN: No, Your Honor.

6 THE COURT: And, Mr. Rai, does the report
7 adequately cover your background?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Has the Government read the report
10 and does it wish to make any comments, additions or
11 corrections?

12 MR. MANZO: Your Honor, I believe we have a
13 dispute about the sentencing score, but no factual
14 corrections.

15 THE COURT: Right. There are objections. I
16 will get to that in a minute. Okay. So there's an
17 objection that's been filed. Mr. Hawthorn, do you wish
18 to address that?

19 MR. HAWTHORN: Briefly, Your Honor. Our
20 objection is to the calculation of the loss in this case.
21 We are contending that the loss calculation should be
22 zero. The reason being that the loss in this case was
23 zero. The loans in question were never funded.
24 Therefore, there was no loss to the Government, to any
25 financial institution as a result of Mr. Rai's conduct.

1 The guidelines in the cases state that where there is no
2 actual loss, it's the intended injury to the complainant
3 that the courts look at to calculate what the loss should
4 be.

5 In a loan type case that we have here, that is
6 whether or not the Defendant intended to repay the loans.
7 The Government has the burden of proving by a
8 preponderance of the evidence that he did not intend to
9 repay the loans. He did intend to repay the loans.
10 There is no evidence to the contrary. He has always paid
11 his financial obligations. There is no information in
12 the record that would indicate that he would not pay his
13 financial obligations. He has no criminal record. He
14 has paid all the loans that he has ever made. He cashed
15 in a substantial 401(k) plan from his employer whenever
16 he was charged in this particular case. He placed -- he
17 did not try to secret that money. He placed it in
18 investments.

19 So it's our contention, Your Honor, that
20 according to the cases and the guidelines, the loss
21 calculation should be zero. We submitted briefs in our
22 arguments in support of that proposition and we rely on
23 those.

24 THE COURT: All right. Do you wish to
25 respond?

1 MR. MANZO: Thank you and good afternoon, Your
2 Honor. The Payroll Protection Program was a program
3 designed to help small businesses during a pandemic.
4 More than anything, it was designed to be almost like a
5 grant where if a small business received the money and
6 used it for a specific means such as paying for employees
7 to stay in the employ of the business, that loan could
8 then subsequently be forgiven.

9 The Defendant took advantage of this program.
10 It was designed to help employees stay afloat during the
11 pandemic. He applied for one program -- he applied once
12 for a \$10 million loan and he subsequently applied again
13 for a \$3 million loan using his shell company which did
14 not exist in real life and employed no people. It had no
15 operations.

16 In these packages he submitted fake tax
17 documents and fake payrolls. He followed up with phone
18 calls and e-mails to the loan processors. It was a
19 consistent and sustained effort to steal taxpayer money,
20 not a one-time lapse in judgment.

21 Under the sentencing guidelines, intended loss
22 is a pecuniary harm that would have resulted from a
23 fraud. And that's here 100 percent of the money that he
24 applied for, the 13 million. The PPP is not the Rai
25 Family investment fund. The federal government could

1 have created a fund for pure speculation for investments
2 along the lines what the Defendant claims he was going to
3 use the money for, but it didn't. It created a fund used
4 to help employees and small businesses during the
5 pandemic.

6 When he applied for the funds using fraudulent
7 tax documents and fraudulent payrolls, he was putting in
8 jeopardy the ability for other businesses and other
9 employees to receive access to those funds.

10 Under *Dow1*, which we quoted in our papers, the
11 intention to divert government funds from the intended
12 use is the intended loss amount. Our stance is that the
13 defense is trying to complicate this issue unnecessarily.
14 There's no intent to repay requirement. And even if
15 there was, there is no evidence that the Defendant
16 intended to repay any money. The defense points to a
17 note pulled from the Defendant's trash during the
18 investigation that outlined an investment strategy that
19 the Defendant could have employed. It involved
20 \$1 million for three different areas of investment,
21 including options and futures.

22 There's nothing in that document about any
23 intent to repay. Even if the Court were to find that the
24 Government had some intent or the -- even if the Court
25 were to find the Government had some, you know, had some

1 burden to show that the Defendant did intend to repay the
2 money, the Court could find that the Defendant was
3 reckless in intending to defraud the loan. The Defendant
4 admits in the plea paperwork and in the information that
5 he submitted two false loan applications. The Defendant
6 admits to submitting them to the Payroll Protection
7 Program.

8 If the Defendant wanted to get a loan via
9 false paperwork and false statements, and then he
10 intended to repay it back, he could have gotten any loan.
11 He could have gone down to his local bank and applied for
12 a fraudulent loan that way. The reason that he applied
13 for a Payroll Protection Program loan is because it is
14 forgivable.

15 And finally, if you looked at what the
16 Defendant was doing here by creating the fake payrolls
17 and fake tax documents, if he then came back after when
18 it was time to either seek forgiveness for the loan or to
19 repay the money, and he all of a sudden decided to change
20 the scheme, it would raise red flags.

21 It would be incomprehensible, illogical for
22 the Defendant having obtained the loan via false
23 pretences, then pay the money back. It would be as if a
24 bank robber was going back to the bank after the offense
25 having used the money for his purposes and then returning

1 the rest saying that he didn't need it. It would be
2 inconsistent with the offense at hand and it would be
3 inconsistent with logic.

4 Finally, we'd like to just cite to a couple of
5 cases again we put in our motions that I thought were
6 illustrative of why the Defendant should be held for the
7 full 13 million of intended loss amount.

8 In *U.S. v. Lane* the court there had a quote.
9 It said gamblers often lose. In that case the courts
10 said the sentencing guidelines focus on conduct of the
11 Defendant and the objective financial risk.

12 So even taking the Defendant's words, which
13 again are unsupported by really any evidence that he
14 intended to pay back the money because he was going to
15 invest it in the stock market, gamblers often lose. The
16 stock market is not a guaranteed return. The investment
17 strategy he wrote on a small piece of paper was extremely
18 risky. And there again is no evidence that he sought to
19 return the money again.

20 And then two more cases cited here, *U.S. v.*
21 *Sowels*, and that stands for the premise or the case law
22 that incomplete offenses equal -- in an incomplete
23 offense the intended loss equals the total amount of
24 funds put in jeopardy by the Defendant's actions. And
25 this is a case where the Government was able to step in,

1 prevented the second \$3 million loan from going out. The
2 Defendant, if he had received the money and then provided
3 some evidence that he was intending to pay back the money
4 either through his actions or through his statements, we
5 might be in a different situation. But here as in
6 keeping with *Sowels*, it is an incomplete offense and
7 *Sowels* stands for the proposition that the intended loss
8 equals the total amount of funds put in jeopardy by the
9 Defendant's actions.

10 Finally, the holding in *Wimbish* also supports
11 the Government's stance on the loss amount. Intended
12 loss is the amount recklessly put at risk. The Defendant
13 recklessly put that money that he tried to steal at risk
14 by taking it from the taxpayer. There is no evidence
15 that he intended to pay it back. There is some evidence
16 that he intended to invest it in the stock market. But
17 there's absolutely no evidence that he intended to use it
18 for any kind of use in keeping with the program.

19 For those reasons, the Government thinks that
20 the intended loss amount should be the 13 million
21 outlined in the motions in this case.

22 THE COURT: Anything further?

23 MR. HAWTHORN: None of the cases cited by the
24 Government in this -- on this particular issue are the
25 same as the facts in this particular case. In this case

1 the Defendant got no money. In the cases cited by the
2 Government, there was partial funding. Also in the cases
3 cited by the Government, there was some background to the
4 Defendant concerning reckless conduct that they had been
5 involved in previously.

6 Here there's no evidence that this Defendant
7 has ever been involved in any reckless conduct. To the
8 contrary. He has been a very stable person his entire
9 life. I will agree this was a harebrained scheme, but
10 there's no evidence that he did not intend to pay this
11 money back, nor that he did not have the ability to pay
12 the money back. And for that reason, we think that the
13 loss amount in this particular case should be what the
14 loss amount is, zero.

15 THE COURT: Well, the Court finds that
16 intended loss is what's at issue here. And the Court
17 finds that Rai intended to cause the loss of
18 \$13,0006,200, the amount he attempted to receive through
19 the Paycheck Protection Program loans. The whole point
20 of these loans and what's attractive to Mr. Rai and
21 others is because they are forgivable. That's what
22 distinguishes it from the other available loans he could
23 have gotten at the same time from the SBA. There were
24 favorable interest rates, but those you had to pay back.
25 These were forgivable. Although he claims he intended to

1 repay the loans, I think his actions suggest otherwise.

2 First, he chose to apply for a forgivable PPP
3 loan rather than a non-forgivable loan. Unlike most
4 loans, eligible borrowers of PPP loans qualify for full
5 loan forgiveness.

6 And so the statistics show First Draw PPP
7 loans made to eligible borrowers qualify for full loan
8 forgiveness if during the 8 to 24-week covered period
9 following loan disbursement the employee compensation
10 levels are maintained, loan proceeds are spent on payroll
11 costs and other eligible expenses and at least 70 percent
12 of the proceeds are spent on payroll costs. Mr. Rai
13 devised false tax returns and payroll records to try and
14 substantiate these kind of figures that would allow him
15 to get large loans, ten million and three million, in
16 funds by saying he had these high payroll costs. And so
17 within the 8 to 24-week period using those false figures
18 he would be repaying. I mean he used the same kind of
19 false records to support showing that he paid payroll as
20 he did to try to get the loans.

21 It was discovered that it wasn't genuine. I
22 don't know how that occurred, but I think it's clear that
23 he was trying to get this money, not just once, but twice
24 and because they were forgivable.

25 And apparently by January 2021 the SBA had

1 forgiven nearly 85 percent of the PPP loans. And the SBA
2 had several lending programs available with lower
3 interest rates and more favorable terms than loans from
4 private lenders, but Mr. Rai didn't get that to get his
5 money for investment, he got the forgivable PPP loans.
6 He tried to get that. He falsified documents to support
7 a request to have the loan forgiven. He created fake tax
8 returns, payroll records in support of the first and
9 second loan applications, used false payroll expenses
10 when extended over a two-month period easily amounted to
11 more than 75 percent of the requested PPP loan amount. I
12 mean he didn't say that he had payroll of 20,000, but he
13 said he had payroll in large amounts that would cover --
14 that would extend to the ten million and the three
15 million that he was intending to get from the PPP loans.
16 So with those kind of payroll requirements, if he had
17 those people indeed on the payroll and kept them on his
18 payroll he would easily devote the funds to the payroll
19 expenses and other eligible expenses within the requisite
20 time frame of the 8 to 24 months -- 8 to 24 weeks.

21 So I think the way he structured the whole
22 thing suggests he was getting these PPP loans because
23 they were forgivable. So I think that refutes the notion
24 that he intended to pay it back. He may have intended to
25 use the money for investment purposes, but he thought he

1 could use the money for investment purposes, didn't
2 matter whether he paid it back, he could use it, but he
3 hoped to keep it without having to pay it back.

4 I think the whole -- it was all targeted to
5 this very unique program. It's very unusual that the
6 Government is going to allow you to have money that's a
7 forgivable loan. And I think he capitalized on the
8 unfortunate circumstances that many business found
9 themselves in when they couldn't maintain their payroll,
10 couldn't maintain their business and needed this type of
11 assistance. Mr. Rai didn't need this. He was just -- I
12 don't know what would motivate him to do this, but it is
13 like he thought he was the smartest guy in the room. He
14 could get this free money from the Government and invest
15 it and who knows, but it doesn't make any sense that he
16 was intending to pay it back because there are other
17 avenues he could have gotten loans if he wanted to get
18 money for investment to pay back.

19 I think his -- in any event, certainly he
20 exhibited a conscious indifference and recklessness in
21 the way the funds obtained could have been repaid. He
22 was going to try to invest them, but they were a very
23 risky plan to do that. Certainly the stock market can't
24 be depended on to generate income. If you have lost
25 money in the stock market, there's no guarantees there.

1 So it may be the investment strategy really didn't make a
2 lot of sense that a reasonable investment -- investor
3 would assure that their portfolio would be protected. I
4 think he intended to -- by his own admission he intended
5 to gamble funds in risky, complicated financial
6 instruments which would put the funds in jeopardy. He
7 did seem to cash in his 401(k), but he invested in very
8 speculative on-line trade entities which may be to his
9 advantage, but that's fine, that's his money, he can do
10 what he wishes with that. But this is not appropriate to
11 use with the PPP funds at all which are restricted to
12 covering payroll expenses for people who are adversely
13 affected by Covid-19 pandemic restrictions and other
14 eligible expenses.

15 I also find -- it's really not an objection,
16 but I think the Government brought it out or I think
17 probation brought out, the sophisticated means that he
18 used to do this. I think that his actions justify a
19 two-level increase, the sophisticated means under United
20 States Sentencing Guideline 2B1.1(b)(10)(c). He had a
21 shell company, Rai Family, LLC, registered in 2019. But
22 he had no active operations or employees. But he then
23 created fake -- complicated fake tax returns and payroll
24 records to make the company appear to be a legitimate
25 operating entity. He said the employees were in Texas.

1 He applied to two different financial institutions to
2 fraudulently receive government funds from the program.
3 He used the false tax and payroll records in support of
4 the applications. So I think this is certainly a
5 sophisticated scheme that he devised in order to try to
6 get these funds. So the objection is overruled.

7 To the extent the Court previously deferred
8 acceptance of the plea agreement, it is now accepted and
9 the judgment and sentence will be consistent with it.
10 The Court finds the information contained in the
11 presentence report has sufficient indicia of reliability
12 to support its probable accuracy. The Court adopts the
13 factual findings, undisputed facts and guideline
14 applications in the presentence report.

15 Based upon a preponderance of the evidence
16 presented and the facts reported in the presentence
17 report, while viewing the Sentencing Guidelines as
18 advisory, the Court concludes that the total offense
19 level is 26, that's with the two extra points for
20 sophisticated means, and criminal history category of I,
21 which provides for an advisory guideline range of 63 to
22 78 months.

23 Does Defendant's counsel wish to make any
24 remarks on behalf of the Defendant?

25 MR. HAWTHORN: Yes, Your Honor. Your Honor,

1 we would ask that you sentence the Defendant to a home
2 confinement and probation sentence. We think that is
3 sufficient to address the conduct in this particular
4 case. And also his background, he has no criminal
5 record. This was his first offense. It is not a crime
6 of violence. He constitutes no danger to society. He is
7 a well-educated person which I guess cuts both ways. He
8 should have known better, there's no question about that.
9 But at the same time, his own actions have seriously
10 hampered his future. He had a promising future as an
11 engineer and now with this what I have called a
12 harebrained scheme, who knows what his future is even
13 though he has an excellent education and great prospects.

14 So considering all that, we would ask that you
15 sentence the Defendant to a home confinement and then
16 probation.

17 THE COURT: Well, I think he's not eligible
18 for probation. Is the probation officer -- the
19 presentence report says probation is ineligible; is that
20 correct?

21 PROBATION OFFICER: Yes, ma'am, that's
22 correct.

23 MR. HAWTHORN: Well, I think, Your Honor, if
24 you -- you could vary the sentence. I haven't filed a
25 motion for a variance because I don't think a variance

1 was appropriate in this case because I think the
2 guidelines should be between zero and seven in this
3 particular case. But it doesn't take a motion for
4 variance for the judge to grant a motion for variance.
5 You can do it on your own.

6 THE COURT: I am intently aware of the
7 variance. I am just pointing out that probation doesn't
8 seem appropriate. I don't think I can vary to a
9 probation, but I know I can grant a variance. I haven't
10 even considered that. So...

11 PROBATION OFFICER: I'm not sure in this case
12 a variance would be appropriate either. Paragraph 56,
13 this is a class B, so I don't know that even by statute
14 he is eligible for probation.

15 THE COURT: I am not saying probation, I'm not
16 saying a variance for probation. I don't think a
17 variance would warrant. I don't think probation is
18 available, but I can certainly grant a variance from the
19 guideline range. So I understand. Okay.

20 Does the Defendant wish to make a statement?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Does the attorney for the
23 Government wish to make any remarks?

24 MR. MANZO: Your Honor, we would ask for a
25 sentence consistent at the bottom end of the guidelines

1 in this case.

2 THE COURT: Does counsel know of any reason
3 why sentence should not be imposed at this time?

4 MR. HAWTHORN: No, Your Honor.

5 MR. MANZO: No, Your Honor.

6 THE COURT: Well, I think a variance is
7 warranted. It is troubling that a person with so much
8 promise would make such as Mr. Hawthorn calls it a
9 harebrained decision to do this. It really doesn't make
10 sense. Mr. Rai has a good education. He had a good job.
11 No criminal history. I don't understand what prompted
12 him to do this, and not just once, but twice.

13 But I think in view of -- I think the offense
14 level overrepresents the seriousness of the offense in
15 this situation because the loan was not funded. The
16 loans were not funded. He didn't receive any funds from
17 the Government. He has got an excellent employment
18 record and education. It can best be described as
19 aberrant behavior. I don't know what got into him, but
20 something did. But I think a variance is in order, just
21 not to probation. Okay.

22 Pursuant to the Sentencing Reform Act of 1984,
23 having considered the factors noted in 18 U.S.C.,
24 Section 3553(a), and after having consulted the advisory
25 Sentencing Guidelines, it is the judgment of the Court

1 that the Defendant, Shashank Shekhar Rai, is hereby
2 committed to the custody of the Bureau of Prisons to be
3 imprisoned for 24 months on Count 1 of the information.
4 It is further ordered the Defendant must pay the United
5 States a fine of \$20,000 which is due and payable
6 immediately.

7 It is ordered the Defendant must pay the
8 United States a special assessment of \$100 which is due
9 and payable immediately. Upon release from imprisonment,
10 the Defendant will be on supervised release for a term of
11 two years. Within 72 hours of release from the custody
12 of the Bureau of Prisons, the Defendant must report in
13 person to the probation office in the district to which
14 the Defendant is released. The Defendant must not commit
15 another federal, state or local crime and must comply
16 with the standard conditions that have been adopted by
17 this Court.

18 In addition, the Defendant must comply with
19 all applicable mandatory conditions and the following
20 special conditions:

21 The Defendant must provide the probation
22 officer with access to any requested financial
23 information for purposes of monitoring fine payments and
24 employment, as well as efforts to obtain and maintain
25 lawful income. The Defendant is prohibited from filing

1 forms, claims, invoices or other documents used to
2 receive loans, compensation, disbursement or other funds
3 from any federally funded program without the approval of
4 the probation officer.

5 The Court finds this to be a reasonable
6 sentence in view of the nature and circumstances of the
7 offense entailing the Defendant's making false statements
8 to a bank in connection with a fraudulent scheme to
9 obtain forgivable Paycheck Protection Program loans
10 authorized by the Coronavirus Aid, Relief and Economic
11 Security CARES Act, the Defendant's submitting a false
12 and misleading PPP loan application to a participating
13 lender on April 8th, 2020, seeking \$10 million in funds,
14 his falsely stating that Rai Family, LLC had 250
15 employees and the company's average monthly payroll was
16 \$4 million when the company actually was a shell and had
17 no active operations or employees, his submitting a
18 fraudulent tax return showing that the company had paid
19 \$23,228,512 in wages, tips and other compensation along
20 with a false and misleading spreadsheet purporting to
21 show the payroll, his submitting a false and misleading
22 PPP loan application to another participating lender on
23 April 20, 2020, seeking \$3,006,200 in funds, his falsely
24 stating that Rai Family, LLC had 264 employees and the
25 company's average monthly payroll was \$1,202,480, his

1 speaking on the telephone with a representative of the
2 second lender in which he confirmed the same false
3 information and stated that all the employees were in
4 Texas, the discovery of the fraud before the funds were
5 actually disbursed to the Defendant, and his use of
6 sophisticated means to perpetuate the scheme.

7 Although the Court finds the guideline
8 calculations announced at the sentencing hearing to be
9 correct, to the extent they were incorrectly calculated,
10 the Court would have imposed the same sentence without
11 regard to the applicable guideline range in light of the
12 factors set forth in 18 U.S.C. Section 3553(a).

13 The Court finds the sentence will serve as
14 just punishment, promote respect for the law, and deter
15 future violations of the law.

16 You have a right to appeal your conviction if
17 you believe that your guilty plea was somehow unlawful or
18 involuntary or if there was some other fundamental defect
19 in the proceedings that was not waived by your guilty
20 plea. You have a statutory right to appeal your sentence
21 under certain circumstances, particularly if you think
22 the sentence is contrary to law.

23 A Defendant, however, may waive those rights
24 as part of a plea agreement; and you've entered into a
25 plea agreement which waives certain rights to appeal your

1 conviction and sentence.

2 With the exception of the reservation of the
3 right to appeal on specified grounds set forth in the
4 plea agreement, you've waived any appeal, including
5 collateral appeal, of any error which may have occurred
6 surrounding the substance, procedure, or form of the
7 conviction and sentence in this case. Such waivers are
8 generally enforceable, but if you believe the waiver is
9 unenforceable, you can present that theory to the
10 appellate court.

11 With few exceptions, any notice of appeal must
12 be filed within 14 days of judgment being entered in your
13 case. If you're unable to pay the cost of an appeal, you
14 may apply for leave to appeal *in forma pauperis*. If you
15 so request, the clerk of the court will prepare and file
16 a notice of appeal on your behalf.

17 The presentence report is made part of the
18 record and is placed under seal except counsel for the
19 Government and defense may have access to it for purposes
20 of appeal.

21 Are there any other counts?

22 MR. MANZO: No, Your Honor.

23 THE COURT: All right. The Defendant is
24 ordered to surrender to the custody of the United States
25 Marshal immediately after this hearing is over. Is there

1 a particular facility you wish to request?

2 MR. HAWTHORN: No, Your Honor, there's not.

3 THE COURT: All right. Very well. Thank you
4 and you are excused.

5 COURTROOM DEPUTY: Your Honor, there's a prior
6 indictment.

7 THE COURT: Oh, there's a prior indictment.

8 MR. MANZO: We move to dismiss the prior
9 indictment.

10 THE COURT: Granted. Okay.

11 (Proceedings concluded, 3:01 P.M.)

12 COURT REPORTER'S CERTIFICATION

13 I HEREBY CERTIFY THAT ON THIS DATE, JUNE 23,
14 2021, THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE
15 RECORD OF PROCEEDINGS.

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Ruth C. Weese

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RUTH C. WEESE, RDR-CSR

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